



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Jr., Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 13, 2010

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Johnny Sinclair, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member King to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin called upon the students of Sawyer Road Elementary School to lead the pledge of allegiance.

PRESENTATIONS:

20091461 Energy Challenge Winner

First Semester Energy Challenge Winner as presented by Barry Echols, Board of Lights and Water and Mayor Steve Tumlin.

The First Semester Energy Challenge Award was presented to Sawyer Road Elementary School.

This matter was Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

Council member Coleman announced that a ceremony will be held in honor of Dr. Martin Luther King hosted by Cobb Government and the NAACP, Monday, January 18, 2010 at the Cobb Civic Center.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

The following amendments were made to the consent agenda:

-under Ordinances: Agenda item 20091492 was removed from the consent agenda

A motion was made by Council member Goldstein, seconded by Council member King, to remove agenda item 20091483 from the agenda entirely. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

Mayor Tumlin opened the public hearing for items on the consent requiring a public hearing. Seeing those wishing to speak regarding agenda item 20091430, Kennesaw Avenue, this matter was removed from the consent agenda. Mayor Tumlin closed the public hearing.

The motion was made by Council member Sinclair, seconded by Council member King, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0 Approved

with the following exceptions:

-Council member Sinclair abstaining on agenda item 20100002

MINUTES:

*** 20100002 Regular Meeting - December 9, 2009**

Review and approval of the December 9, 2009 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1 Approved

Abstaining: Johnny Sinclair

*** 20100003 Special Meeting - January 4, 2009**

Review and approval of the January 4, 2009 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

MAYOR'S APPOINTMENTS:**GOVERNING AUTHORITY APPOINTMENTS:**

- * **20100023 Municipal Judge**
- Reappointment of Roger J. Rozen as the Marietta Municipal Chief Judge.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**
-
- * **20100048 Municipal Associate Judges**
- Appointment of the following Municipal Associate Judges:
Robert F. Schnatmier
Nathan Wade
Nancy Ingram Jordan
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**
-
- * **20100024 Municipal Associate Judges**
- Reappointment of the following Municipal Associate Judges:
Lawrence E. Burke
Diane Busch
Mazi Mazloom
Joel C. Pugh
Stephen A. Yaklin
John Storey Morgan
Melinda Davis Taylor
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**
-
- * **20100025 City Solicitor**
- Reappointment of Robert I. Donovan as the City Solicitor to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0 Approved**
-
- * **20100026 Associate City Solicitors**
- Reappointment of the following Associate City Solicitors to serve at the pleasure of and upon the concurrence of the Mayor and a majority of City Council:

Steve Cook
Susan M. Miller
Michael B Syrop
Keith M. Olmert
Carmen Porreca
Thomas Griner
Jason Treadway
Latonia Patrice Hines

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

CITY COUNCIL APPOINTMENTS:

* 20100027

City Manager

Reappointment of William F. Bruton, Jr., as City Manager to serve at the pleasure of city council, and confirmation of his employment contract with the city.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* 20100028

City Clerk

Reappointment of Stephanie Guy as City Clerk to serve at the pleasure of city council.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* 20100029

City Attorney

Reappointment of Douglas R. Haynie, the firm of Haynie, Litchfield and Crane, as the City Attorney to serve at the pleasure of city council.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* 20100049

Marietta Welcome Center & Visitors Bureau Appointment

Reappointment of Philip M. Goldstein to the Marietta Welcome Center & Visitors Bureau for a two-year term.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20100050 Appointments to the Citizens Advisory Committee for Marietta Parks (CACMP)**

Mayor Tumlin: Kim Gresh and Heath Garrett
Annette Lewis: Betty Hunter and Alan Watson
Grif Chalfant: Randy Weiner and Cindy Suto
Johnny Sinclair: Larry Ceminsky and Mitch Hunter
Van Pearlberg: Ford Bohannon and James Morris
Rev. Anthony Coleman: Walter Moon and Melody Unger
Jim King: Michelle Cooper Kelly and Michael Helenek
Philip M. Goldstein: Deborah Huwaldt and Bill Hagemann

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20100006 Cobb Housing, Inc. (CHI)**

Appointment of Annette Lewis to to the Cobb Housing, Inc. (CHI) Board of Directors for a one year term expiring on January 2011.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20100022 Cobb Municipal Association 2010 Delegates**

Appointment of Philip M. Goldstein and Grif Chalfant to serve as the 2010 voting delegates for the Cobb Municipal Association (CMA) business meetings.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

ORDINANCES:

* **20091466 Code Enforcement - 265 Windsor Drive**

[Ord 7443](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 265 Windsor Drive.
Listed Owner: Martinez Miguel A. & Carballo M. Dela Paz
Repeat Violation History: (2) previous cases since February 18, 2008.
Certified mail receipt received December 9, 2009.
Taxes paid: Yes
PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20091483 Code Enforcement - 2265 Kingston Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 2265 Kingston Court.

Listed Owner: RM Kid One LLC/Registered Agent, Jay R. Patel

Repeat Violation History: None.

Certified mail receipt not received as of December 30, 2009.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This matter was Removed.

* **20091488 Code Enforcement - 430 Wellons Street**

[Ord 7444](#)

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 430 Wellons Street.

Listed Owner: Milton A. Hutchins & Henry Hutchins & Thomas L. Stone

Repeat Violation History: (2) previous cases since 2002.

Certified mail receipt received December 11, 2009; signed by Mary A. Stone.

Taxes paid: Unpaid; owes \$1,670.94

PUBLIC HEARING REQUIRED

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20091492 Code Enforcement - 1725 Spinks Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1725 Spinks Drive.

Listed Owner: Monir & Imad Monsour

Repeat Violation History: None

Certified mail receipt not received as of December 31, 2009.

Taxes paid: Yes

Ward: 7 ???

PUBLIC HEARING REQUIRED

Mayor Tumlin called forward those wishing to speak regarding this matter.

Mr. Monir Monsour, owner of the property, stated that the property has been rendered sanitary in accordance with the City's ordinance. He asked that this matter be delayed so that the condition of the property can be verified by Code Enforcement.

Discussion was held by Council.

Motion to table this matter until the next City Council meeting, if necessary.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be Tabled . The motion carried by the following vote:

Vote: 7 - 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

* **20091424 CDBG-R Stimulus Budget Account**

[Ord 7439](#)

Approval of an Ordinance amending the Fiscal Year 2010 Housing Fund budget to receive and appropriate two CDBG-R stimulus bill Public Works Projects totaling \$290,000 funded by the US Department of Housing and Urban Development.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20091447 Donation from Golden Living Center - Kennestone**

[Ord 7440](#)

Approval of an Ordinance amending the Fiscal Year 2010 General Fund budget to receive and appropriate a donation from Golden Living Center at Kennestone for fire safety materials.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20091401 Department of Justice Grant**

[Ord 7441](#)

Approval of an Ordinance amending the Fiscal Year 2010 Grant Fund to receive and appropriate a grant from the Department of Justice for \$56,289 in order to purchase Automated External Defibrillators (AEDs).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20091402 Department of Justice Grant**

[Ord 7442](#)

Approval of an Ordinance amending the Fiscal Year 2010 Grant Fund to receive and appropriate a grant from the Department of Justice for \$499,100 for the school system to purchase cameras and other security items.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20091426 Clarke Library**

Motion to advertise a Public Hearing for the adoption of the Clarke Library Preservation Plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20091428 Brumby Hall**

Motion to advertise a Public Hearing for the adoption of the Brumby Hall Preservation Plan

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20091429 Marietta Waterworks Building**

Motion to advertise a Public Hearing for the adoption of the Marietta Waterworks Building Preservation Plan.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

20091430 Kennesaw Avenue

An ordinance to designate the Kennesaw Avenue Historic District.

PUBLIC HEARING REQUIRED

Mayor Tumlin called forward those wishing to speak regarding the proposed ordinance designating the Kennesaw Avenue Historic District.

Speaking in opposition of the proposed ordinance, Marion Kendall who resides at 343 Kennesaw Avenue and Dennis Payne who resides at 327 Kennesaw Avenue.

Brian Binzer, Development Services Director, gave a brief overview of the approved guidelines for the proposed historic district.

Speaking in favor of the proposed ordinance, James Corley, Jr who resides at 285 Kennesaw Avenue and Chris Brown who resides at 429 Cherokee Street.

Discussion was held by council regarding the approved guidelines and proposed ordinance.

A motion was made to approve the ordinance designating the Kennesaw Avenue Historic District, as presented.

The motion was made by Council member Chalfant, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved

Voting Against: Philip M. Goldstein, Annette Lewis and Rev. Anthony Coleman

Mayor Tumlin vetoed the motion.

(The official veto of the ordinance was filed in the City Clerk's Office on January 21, 2010.)

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

*** 20100019 Citizens Advisory Committee for Marietta Parks (CACMP)**

Approval of a Resolution authorizing the extension of the Citizens Advisory Committee for Marietta Parks (CACMP), expiring January 13, 2011.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20091427 Civil Service Board Appointment**

Appointment of Francine Wilkins to the Civil Service Board (Post 1) for a term of three years, to fill an expiring term.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

*** 20091451 Franklin Road**

Motion approving temporary state route on Franklin Road for LCI Project Funding.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20100030 Acquisition of Right of Way**

Res 1486 Motion to approve a Resolution for the contract for acquisition of right-of-way Federal or State-Aid Project CM000-00BK-00(027).

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20091423 V2009-26 Union Chapel United Methodist Church 264 Fowler Circle

V2009-26 UNION CHAPEL UNITED METHODIST CHURCH request a variance for property located in Land Lot 11450, District 16, Parcel 2160, 2nd Section of Cobb County, Marietta, Georgia and being known as 264 Fowler Circle. Variance to reduce the number of trees in a required landscape strip from 12 to 3 along Fowler Circle; and from 11 to 3 along North Marietta Parkway. Ward 5.

Nothing contained herein shall grant to the applicant or any other party any vested right or other right to encroach upon, use or obtain any right in, to, over or through property or right-of-way owned by the City of Marietta. Notwithstanding same, in the event that any rights have been or shall be acquired, same may be revoked, rescinded and/or terminated at any time by the Marietta City Council, the City Manager or the Director of Public Works.

Mayor Tumlin called forward those wishing to speak regarding the variance request for Union Chapel United Methodist Church.

David Swells, general contractor for the project, requested a variance for property located at 264 Fowler Circle to reduce the number of trees in a required landscape strip from 12 to 3 along Fowler Circle; and from 11 to 3 along North Marietta Parkway.

Discussion was held.

Motion to approve the variance request as stipulated:

Variance to reduce the number of trees in a required landscape strip from 12 to 3 along Fowler Circle, with the stipulation that when the large Elm tree located in front of the church dies or is taken down, a tree that meets the City's requirements for street trees shall be planted in that location.

Nothing contained herein shall grant to the applicant or any other party any vested right or other right to encroach upon, use or obtain any right in, to, over or through property or right-of-way owned by the City of Marietta. Notwithstanding same, in the event that any rights have been or shall be acquired, same may be revoked, rescinded and/or terminated at any time by the Marietta City Council, the City Manager or the Director of Public Works.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 6 - 0 - 0 Approved as Stipulated

Absent for the vote: Johnny Sinclair

* **20100021 Administrative Assistant to the Mayor**

Motion to approve the Employment Agreement for the Administrative Assistant to the Mayor.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20100004 BLW Actions of January 11, 2010**

Review and approval of the January 11, 2010 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

ADJOURNMENT:

The meeting was adjourned at 8:20 p.m.

Date Approved: February 10, 2010

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk